

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**PATRICK MICHAEL FOSTER**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**CASE NO. 2:07-cv-326**

**CRIM. NO. 2:05-cr-00060**

**JUDGE MARBLEY**

**OPINION AND ORDER**

On June 6, 2007, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings in the United States District Courts recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed. Although the parties were specifically advised of the right to object to the Magistrate Judge's *Report and Recommendation* and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action hereby is **DISMISSED**.

**IT IS SO ORDERED.**

s/Algenon L. Marbley

ALGENON L. MARBLEY  
United States District Judge